

Application No.: 09/956,898

Amendment under 37 C.F.R. §1.111 dated December 13, 2004

Response to the Office Action of August 11, 2004

REMARKS

Claims 1 – 2, 4 – 5, 7 – 8, 10 - 11 and 13 - 15 were previously cancelled. Claims 3, 6, 9 and 12 are pending in the present application. The rejections set forth in the Office Action are respectfully traversed below.

Rejections Under 35 U.S.C. §102

Claims 3, 6, 9, and 12 were rejected under 35 U.S.C. §102 over **Heinonen et al.** (USP 5,857,151). The Office Action relied on the disclosures of **Heinonen** regarding identification of the “kind” of cellular phone connected to the radio unit based on the identification signals S1 and S2 on lines s1 and s2 of connections 12 and 13 (Fig. 1). **Heinonen** describes identification lines s1 and s2 being “aligned to sensitivities corresponding to different current input groups a) and b).” (Col. 2, lines 57-62).

Heinonen merely discloses a radio unit having a control element programmed to adjust operating parameters of the radio unit in accordance with the kind of disconnectable phone module that is connected to the radio unit. The “kind” of disconnectable phone module in **Heinonen** is completely different from the “type” of the portable telephone set claimed in the present invention that includes “a mobile communication protocol and a Personal Handyphone System communication protocol.” There is no description in **Heinonen** that even addresses the present claimed “type” of portable telephone set. In addition, nothing in **Heinonen** describes the specific manner recited in the presented claimed invention for identifying the claimed “type” of portable telephone set. For at least these reasons, the present claimed invention patentably distinguishes over the prior art.

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The Double Patenting Rejections

Claims 3, 6, 9, and 12 were rejected over the claims of co-pending applications serial numbers 09/957,079 and 09/957,081 under the doctrine of obviousness-type double patenting. These double patenting rejections contradict the July 30, 2001 restriction requirement in the parent '699 application. According to the USPTO's restriction requirement, these claims 3, 6, 9, and 12 are directed to the Group III species, which is a "*patentably distinct species*" from the other species pertaining to the claims of the co-pending '079 and '081 applications. Therefore, these double patenting rejections should be withdrawn.

If, for any reason, it is felt that this application is not now in condition for allowance, or if the Examiner wishes additional explanations of the present invention, the Examiner is requested to contact Applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that any fees are due in connection with the filing of this paper, please charge any fees to Deposit Account No. 50-2866.

Respectfully submitted,

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